IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1015 OF 2004

Mam Chand ……Petitioner.

Versus

U.P. Zila Adhikari/S.D.M. Roorkee. ……..Respondent.

Counsel for the petitioner Sri Lok Pal Singh.
Counsel for the respondent standing counsel.

Hon'ble Rajesh Tandon, J.

By the present Writ Petition, the petitioner has prayed for a writ of certiorari quashing the order dated 15th June, 2001 passed by the respondent no. 1.

Briefly stated, according to the petitioner patta was granted in his favour about 15 years back and the name of the petitioner was recorded as Assami Bhoomidhar in the revenue records.

Counsel for the petitioner has submitted that all of a sudden on 15th June, 2001, the name of the petitioner as Assami has been deleted from the revenue records and the proceedings for consolidation were not brought to the notice of the petitioner.

Counsel for the petitioner has submitted that he has not been informed before passing any order and it was incumbent upon the authorities to have issued a notice once the revenue records shows that the name of the petitioner was recorded as

Assami. Since the order in question has been passed on 15th June, 2001, I do not find any infirmity in the order.

However, liberty is given to the petitioner to approach the authorities concerned by filing a detailed representation showing that he was recorded in the revenue records as Assami and without his knowledge and notice his name has been expunged from the revenue records. If such a representation is filed before the respondent S.D.M. Roorkee, the same shall be investigated and the S.D.M. Roorkee shall pass a reasoned order indicating as to why the name of the petitioner has been expunged from the revenue records. However, the S.D.M. shall assign the reasons for passing his order.

In view the aforesaid fact, till the objections are disposed of either by the Consolidation Authorities or by the S.D.M., the status quo shall be maintained by the parties for a period of three months.

Writ Petition is dismissed.

(RAJESH TANDON, J.)

15.10.2004
P.S.R.